

MESSAGE NO: 7096311 MESSAGE DATE: 04/06/2017

MESSAGE STATUS: Active CATEGORY: Countervailing  
TYPE: INF-Information Notice PUBLIC ☒ NON-PUBLIC ☐  
SUB-TYPE:

FR CITE: 82 FR 4291 FR CITE DATE: 01/13/2017

REFERENCE  
MESSAGE #  
(s):

CASE #(s): C-475-819

EFFECTIVE DATE: 01/13/2017 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Final Results of countervailing duty changed circumstances review; certain pasta from Italy (C-475-819)

1. On 01/13/2017, the Department of Commerce (Commerce) published its final results of changed circumstances reviews with respect to the antidumping (AD) and countervailing duty (CVD) orders on pasta from Italy (82 FR 4291). As a result, effective 01/13/2017, (the date of publication of the final results of review), Commerce has: (1) converted the organic pasta certification submission requirement to a record-keeping requirement, (2) authorized electronic submission of the certification when the certificate is requested by CBP or Commerce, (3) updated the scope language to remove the reference to the National Organic Program certificate, and (4) aligned the certification language across the AD and CVD Italy Pasta Orders to reflect that a certification from any appropriate European Union (EU) authorized body is acceptable for purposes of both orders.

2. Under the organic pasta certification submission requirement, both the exporter and the importer are required to maintain a copy of the original EU authorized body certification in their respective records, as well as documentation supporting the certification, that would be subject to verification by the U.S. Government. Because this certification requirement will now be a record-keeping requirement, the exporter and importer are required to submit the certification in response to a request from CBP or Commerce, in the form or manner required by the requesting agency (i.e., electronically or otherwise).

3. Additionally, the certification must be issued, signed, and dated prior to the exportation of the merchandise from Italy. Entries for which an exporter or importer is unable to produce the required certification and/or documentation supporting the certification upon the request of CBP or Commerce may be subject to countervailing duties.

4. The revised scope language for the CVD order on certain pasta from Italy is contained below:

Imports covered by this Order are shipments of certain non-egg dry pasta in packages of five pounds four ounces or less, whether or not enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastasis, vitamins, coloring and flavorings, and up to two percent egg white. The pasta covered by the scope of the

Order is typically sold in the retail market, in fiberboard or cardboard cartons, or polyethylene or polypropylene bags of varying dimensions.

Excluded from the scope of this Order are refrigerated, frozen, or canned pastas, as well as all forms of egg pasta, with the exception of non-egg dry pasta containing up to two percent egg white. Multicolored pasta, imported in kitchen display bottles of decorative glass that are sealed with cork or paraffin and bound with raffia, is excluded from the scope of the Order. Note 1. Pursuant to the Department's May 12, 2011, changed circumstances review, effective January 1, 2009, gluten free pasta is also excluded from the scope of the Order. Note 2. Effective January 1, 2012, ravioli and tortellini filled with cheese and/or vegetables are also excluded from the scope of the Order. Note 3.

Also excluded are imports of organic pasta from Italy that are certified by an EU authorized body in accordance with the United States Department of Agriculture's National Organic Program for organic products. The organic pasta certification must be retained by exporters and importers and made available to U.S. Customs and Border Protection or the Department of Commerce upon request.

The merchandise subject to this order is currently classifiable under items 1901.90.90.95 and 1902.19.20 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and Customs purposes, the written description of the merchandise subject to the Order is dispositive.

Note 1. See Memorandum to Richard Moreland, dated August 25, 1997, which is on file in the CRU.

Note 2. See Certain Pasta from Italy: Final Results of Countervailing Duty Changed Circumstances Review and Revocation, In Part, 76 FR 27634 (May 12, 2011).

Note 3. See Certain Pasta from Italy: Final Results of Antidumping Duty and Countervailing Duty Changed Circumstances Reviews and Revocation, in Part, 79 FR 58319, 58320 (September 29, 2014).

5. A similar message will be posted for the companion AD proceeding.

6. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only.

7. There are no restrictions on the release of this information.

Alexander Amdur

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party